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S P E E C H

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HON. ANDREW J. ROGERS, OF N. J.,

D E L I V E R E D

I N T H E H O U S E O F R E P R E S E N T A T I V E S, A P R I L 12, 1864,

O N T H E R E S O L U T I O N T O E X P E L H O N. A L E X A N D E R L O N G,
O F O H I O, F O R W O R D S S P O K E N I N D E B A T E.

"GIVE ME LIBERTY OR GIVE ME DEATH."—PATRICK HENRY.

The House having under consideration the resolution to expel Mr. Long, of Ohio—

Mr. ROGERS said :

Mr. SPEAKER: I have listened with great attention for several days to the discussion of this grave and important subject, one in which the people of this country are more interested than in any other that has agitated this House during this session. It is a question whether the right which God breathed into man when he placed Adam in the garden of Eden, the right to speak his honest sentiments upon national subjects, shall be permitted in the Congress of the United States. Because the apostles of old proclaimed to the world that man should repent and be saved, the high priest rose up and all that were with him, and were filled with indignation, and laid their hands upon them and put them in the common prison, but the angel of the Lord by night opened the prison doors and brought them forth, and said :

"Go, stand and speak in the temple to the people all the words of this life."

"Then spake the Lord to Paul in the night by a vision: Be not afraid, but speak, and hold not thy peace."

Thus speaks divine revelation in behalf of this inherent right. Remember that the Lord and Saviour of the world was crucified upon Mount Calvary by the enemies of free speech, because He would preach in the temples and synagogues the words of eternal life; and I doubt not that the radicals of the party in power would have, if they had lived in that day, cried out with the rabble, "Crucify Him," and would have taken a hand in placing Daniel in the lion's den and the three innocents into the fiery furnace.

In some countries it is even to this day a crime to speak on any subject, religious, philosophical, or political, anything contrary to the conceived ideas of the Government,

however laudable may be the design and motive. It is extended so far that to question the conduct of public men in terms of truth has been and still is considered a scandal upon their stations and characters, and subjects the party to grievous punishment. The Governments in some countries control the printing of all books and shackle the press, and allow it to speak only in such language as the Governments license for publication. The common inheritance of the world, which is the Bible itself, has been put entirely under the control of some Governments, and not permitted to be read except in a language unknown to the common inhabitants of the country. The art of printing was once, even in England, to-day the freest country in the world, controlled by the Crown and considered a mere matter of state, and was regulated by the king's proclamations, prohibitions, charters of privilege, licenses, and at last by the decrees of the court of Star Chamber, which limited the number of printers and presses and prohibited new publications without proper licenses; and the Long Parliament of Charles I in 1641 exercised, after their rupture with him, the same powers of the Star Chamber upon the subject, and issued their ordinances founded upon a Star Chamber decree of 1637. After the restoration of Charles II they passed a statute upon the same subject nearly copied from the said ordinances. This act expired in 1679 and was revived and continued a few years after the revolution of 1688. The Government made desperate efforts to keep it in force, but on account of its violent resistance by Parliament it expired in 1694 and has never since been revived. At this very hour the liberty of free speech and the press in England is free from all power to restrain it, although it has never constituted an article in her bills of rights. These rights are well sustained by authority. I now read from Story's Commentaries on the Constitu-

tion, volume three, section one thousand eight hundred and seventy-eight:

"Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press."

I also quote from the constitution of Massachusetts, which reads as follows:

"The liberty of the press is essential to the security of freedom in a State."

I apprehend gentlemen will not question the authority of this abolition State. I hold in my hand the first volume of Kent's Commentaries, lecture twenty-four, in which, after a large survey of the whole subject, he does not scruple to declare the following language:

"It has become a constitutional principle in this country that every citizen may freely speak, write, and publish his sentiments upon all subjects;" * * * "and that no law can rightfully be passed to restrain or abridge the freedom of the press."

I also read from second volume of Kent's Commentaries, page 17, as follows:

"The liberal communication of sentiment and entire freedom of discussion, in respect to the character and conduct of public men, and of candidates for public favor, is deemed essential to the judicious exercise of the right of suffrage, and of that control over their rulers which resides in the free people of the United States."

I also read from 4 Blackstone's Commentaries, page 152, as follows:

"Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press."

Which is the same language used by the learned Story. Even Junius, with his severe and bitter assaults upon established authority and doctrines, utters the following language:

"The liberty of the press is the palladium of all the civil, political, and religious rights of an Englishman."

It is a right recognized and guaranteed by the common law of England so far back that the memory of man runneth not to the contrary. It has been so carefully guarded there that if a man by word of mouth charge another with the crime of murder, he cannot be arraigned except before a jury of the country in a civil action for damages. No indictment or other criminal proceeding can be sustained against any person at common law for verbal slander, however false may be the charge or heinous the crime.

However base it may be for a man to speak his sentiments and libel his neighbors, outside of the Halls of Congress, he cannot be arraigned by a criminal prosecution for any invasion of character. By the common law, where a person was prosecuted for slander he could plead but one plea, either a denial that he made the charge or a defense admitting that he made it, and justifying it upon the ground of its truth; and if he pleaded the general issue, and the speaking of the words was proven, although the plaintiff was guilty

of the offense, the defendant was not allowed to prove it. Libel or written slander is indictable at common law; and upon the trial of the indictment the defendant was not permitted to prove that the person was guilty of the offense charged; and it was just as criminal to charge a man in writing with the commission of a crime, although he was guilty, as if he was innocent; but in this country the wisdom of our fathers was such that the constitutions of most or all the different States allow the defendant in a criminal proceeding for libel to give the truth of the libel in evidence; and the Legislatures of the several States have authorized the defendant in an action for slander to plead both the general issue that he did not utter the words charged, and also that the words charged are true, thereby allowing the defendant, if he fails upon the general issue, to prove that the words are true.

Although England has been satisfied with the negative establishment of this fireside right, the people of America have not been willing to rest upon such an uncertain foundation as the pleasure of the Government might dictate. As soon as it was discovered that the organic law of this country had not provided sufficient guarantees of free speech and press, loud complaints were made, and most of the States instructed their Representatives to secure an amendment; and this sentiment was so prevalent throughout the country that the first session proposed an amendment, since adopted by all the States, and made a part of the organic law, that "Congress shall make no law abridging the freedom of speech or of the press;" and the convention of Virginia which ratified the Constitution of the United States declared, in article sixteen of the bill of rights then agreed to—

"That the people have a right to the freedom of speech and of writing and publishing their sentiments; that the freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated." * * * * "That among other essential rights, the liberty of conscience and of the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States."

But notwithstanding the guarantees given to these home-bred rights, the Congress of the United States in July, 1798, under the Administration of John Adams, passed a law whereby it was enacted that

"If any person shall write, print, utter, or publish any false and malicious writing against the Government of the United States or either House of Congress or the President, with intent to defame them or either of them, or to bring them or either of them into contempt or disrepute, or to excite against them or either of them the hatred of the good people of the United States, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding \$2,000 and by imprisonment not exceeding two years."

The consequence of which act was that it created great dissatisfaction among all the

people of the United States except those of whom the present party are the disciples, and brought forth the celebrated Kentucky and Virginia resolutions which from that day to this constitute the platform of the Democratic party, upon the principles of which they went into power and so continued for twenty-four consecutive years. The voice of God speaks to us from the fountains of heaven, "What shall it profit a man if he gain the whole world and lose his own soul?" And the spirits of the mighty dead who died for the liberties of this country interrogate us from the bourne of eternal life, What will it profit us if by war we restore our Union and thereby forever lose liberty?

I am not here for the purpose of vindicating the doctrines which the gentleman from Ohio declared, as I am well known to be opposed to any recognition of the so-called confederacy. But I do stand here to vindicate the rights of free speech, and standing here as a Representative of the people, I will, before God and the nations of the earth, declare my sentiments upon the great questions of the day, although prison doors and bastiles may open to receive me the moment they are uttered. Men in this country must be allowed to exercise the right of free speech or we may bid good-bye to liberty and to the grand fabric of human freedom on which the hopes and destinies of the whole civilized world are founded, and we shall go down into the low depths of anarchy, despotism, and tyranny, where our position will be more like that of the serfs in Russia than freemen of America. The object of this resolution, if I understand it, is that no man in this House shall be permitted, whatever may be the result of the war, although the most dreadful calamities may come upon the nation, and the proud pillars of liberty may be sinking beneath the iron heel of despotism, to raise his voice in the Halls of this Congress, and even pray Almighty God to stop this war, without the strong arm of despotism shall drive him from his seat. The rights of free speech are principles of liberty that are laid down in the Declaration of Independence and in the Constitution of my country. Sir, without liberty the Union is worth nothing. I want no such Union as that. It is not such a one as our fathers made, it is not such a one as the patriots and statesmen of the times that tried men's souls established and consolidated for the protection and defense of the liberties of the white race of America. It is a Union of despotism and tyranny, not a Union of fraternal independent States, each legislating for itself its own internal policy. It is a Union without freedom of debate, without freedom to exercise the constitutional right of free speech, that right which has been guaranteed to us by the laws of God and man. It is a Union without freedom from those unconstitutional, outrageous, and tyrannical acts which have characterized the Administration in power.

Ah! gentlemen, I ask you to pause and

reason with yourselves as men. This is no party question. It is a question affecting the destinies and the liberties of the country. It is a question whether the Representatives of my own native State shall be permitted to come here and exercise the right of free speech fearlessly before God and man, in conformance with the rules laid down in the organic law of the land. I am surprised that no man on the other side of the House has shown the noble heart which God gave him, and raised his voice in defense of free speech, his country, and liberty, and battled for the bulwarks upon which the foundations of the Government rest.

The Constitution says that each House shall determine the rules of its proceedings, and may, for disorderly behavior, by a vote of two thirds of its members, expel a member. The true construction of those words when all taken together is that the member can be expelled only for disorderly behavior. He can not be expelled for the exercise of any right guaranteed by the Constitution, and it is not disorderly behavior to calmly discuss any question, when the Constitution makes provision for that right. But if there is any question about the true meaning of the organic law in construing that part of it, as though there was no other provision in it in relation to free speech, there can be none when we take into consideration all the provisions upon the subject. After our fathers had framed the Constitution, fearing that despotism might at some future time attempt to take the place of liberty, they added to it several amendments, commonly called the Bill of Rights, in the very first article of which it is provided that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press;" in addition to the clause in the sixth section of the Constitution which declares that the Senators and Representatives, for any speech or debate in either House, shall not be questioned in any other place.

The Constitution must be so construed as to conform to the intention of its makers, and its reason and spirit, taking into consideration all the provisions upon the subject, and construing one with the other so that they will all be consistent with each other and the object and intention of the makers, upon the well-settled principles of the construction of statutes, constitutions, and contracts, that the whole contract, statute, or law must be taken into consideration to arrive at its whole scope and meaning. Can any man in his sober senses pretend that it was the intention of the Constitution to authorize two thirds of this House to abridge the freedom of speech by expelling a member for the exercise thereof, and thereby not only abridge but entirely destroy that right, and at the same time expressly prohibit the Congress, including both Houses and all the members in both branches, and not merely two thirds, from passing any law abridging the freedom of speech or the press? What was

the object of that article which declares that Congress shall make no law abridging the freedom of speech or of the press? "Was it that the people in their usual industrial avocations should have the right of free speech guarded and more strongly upheld than their Representatives in the Congress of the United States?" Did the framers of the organic law intend to guaranty to the common drunkard, murderer, or thief, in the prison or bar-room, rights of free speech that members of Congress in the sessions of the Houses could not be permitted to exercise? Yet such is the case if two thirds of the members of one House can expel a member for words spoken in debate in a calm, solemn, and decorous manner. No man in this House will pretend that it is treasonable or unlawful in the sense of the Constitution for a person in the newspaper or in a public speech outside of Congress to argue that there is no power in the Constitution to coerce a State, and that, in his opinion, the best interests of his country demand that secession shall be acquiesced in? Why is it not unlawful? Because the Constitution declares that Congress shall make no law abridging the freedom of speech or of the press. Yet this course of the party in power would not allow a Representative of the people who was sent here by his constituents to represent their views, and although he was petitioned and instructed by every voter in his district to advocate upon the floor of Congress their views, which were that they believed the best interests of their Government demanded that the Southern Confederacy should be recognized and the Government acquiesce in secession, to express their views in the councils of the nation, which they are guaranteed in expressing in the press or public speech, thereby leaving those people who sent a member here to represent them without any representation of their views in the legislation of the country.

If it is treasonable or unlawful now to advocate such doctrine it will be equally so in the future, though the war should continue ten or twenty years longer. If four-fifths or all of the States in the Union should, in one year hence, instruct and petition their Representatives in Congress to advocate secession, and a member in the Senate should in a speech advocate that doctrine, and the Senate should be, as it is now, largely abolition, according to the precedent which some in this House would establish that man would necessarily be expelled for giving aid and comfort to the enemy. It will not do for lawyers like Mr. Davis, of Maryland, to attempt to argue, as he has, the right to expel a man for debate like this upon constitutional grounds; and I would advise those who advocate this power to no longer claim it as constitutional, but exercised under their war power. What is the object of that portion of the Constitution which says that "for any speech or debate in either House they shall not be questioned in any other place?" Does it mean that although their constituents, when they go home to an-

swer for their course in Congress, shall not question them for any speech or debate in either House, it at the same time allows the members of other States to expel a member for that same speech or debate for which his constituents could not question him, although his debate or speech may have represented the views of nine-tenths of his constituents? Yet such would be the result of the construction given to the organic law by the learned gentlemen upon the other side. The Constitution, under the construction of the gentlemen upon the other side, would be entirely inconsistent, one part being entirely in conflict with the other, and showing our fathers who formed the instrument to have so drawn it as to destroy the whole object and intent of the law upon the question of speech and press. If this doctrine of the other side of the House is to be the true construction then the people can never, under this Constitution, utter their sentiments through their Representatives in this Hall unless they are in the majority. The Constitution says that no law shall be passed abridging the freedom of speech; and to show that they intended that that freedom should not only not be prohibited but that it should not be even abridged, I will give from Worcester's Dictionary the definition of that word:

"Abridge—to make shorter in words, still keeping the substance; to epitomize; to curtail; to reduce; to contract; to diminish."

The expulsion of the honorable gentleman from Ohio would not simply abridge the freedom of speech, but would deprive him entirely from uttering here one single word. I will not insult the House and the country further with argument upon so clear a case against the expulsion; but it is proposed in a case of a failure of expulsion to punish him by a censure. There is no more authority in this House to censure for this debate than to expel, because to censure would, within the meaning of the Constitution, abridge the freedom of speech; and to prevent even the censuring of a member for freedom of speech, the framers of the Constitution used the word "abridging" instead of the word "prohibiting." It is said upon the other side that the ground taken by the gentleman from Ohio is treasonable, because, as they say in the resolution, it gives aid and comfort to the enemy. But the Constitution declares that "treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort;" that "no persons shall be convicted of treason unless on the testimony of two witnesses to the same overt act;" and to constitute treason or treasonable language the party must not only give the enemies aid and comfort, but must adhere to them and commit an overt act. And it is so well settled in the law books that mere words uttered in debate cannot constitute treason that I will not detain the House longer upon that part of the case; in fact it is not seriously pretended that the words are treasonable. Treason in England

is an offense particularly directed against the person of the sovereign, and consists in compassing the death of the king or queen or their eldest son and heir; in violating the king's wife or eldest daughter unmarried, or the wife of the heir apparent; in levying war against the king in his realm; in assisting the king's enemies in the realm or elsewhere; in counterfeiting the king's privy seal; in filing, clipping, or counterfeiting the king's money, or having coining tools in possession, or importing false coin from abroad; and in slaying the Chancellor or other high judicial magistrates.

These are the different kinds of treason defined by the law of England. Yet, since the time of Edward I, when he sent his file of soldiers into the British Parliament and arrested the five members for their outspoken principles of liberty, not a single individual has been attempted to be expelled from, or censured by, the British Parliament for the exercise of free speech, although in the war between Great Britain and the American colonies members rose in their seats in Parliament and declared the war upon the part of Great Britain to be accursed, wicked, barbarous, and diabolical. I quote, from Mahon's History of England, volume seven, page 135, the language of the younger Pitt in favor of Fox's motion for a committee on the American war in the year 1781. I now read what he said:

"For my part, I am persuaded and will affirm, that it is a most accursed, wicked, barbarous, cruel, unnatural, unjust, and diabolical war. It was conceived in injustice; it was nurtured and brought forth in folly; its footsteps were marked with blood, slaughter, persecution, devastation."

I quote also the language of Lord Chatham, as expressed by him in the British Parliament in 1777 upon the war with Great Britain and the American colonies:

"I say again this country has been the aggressor. You have made descents upon their coasts; you have burnt their towns, plundered their country, made war upon the inhabitants, confiscated their property, proscribed and imprisoned their persons. I do therefore affirm, my lords, that instead of exacting unconditional submission from the colonies, we should grant them unconditional redress. We have injured them; we have endeavored to enslave and oppress them." * * *

"As to conquest, therefore, my lords, I repeat, it is impossible. You may swell every expence and every effort, still more extravagantly—pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prince that sells his subjects to the shambles of a foreign prince; your efforts are forever vain and impotent—doubly so from this mercenary aid on which you rely; for it irritates, to an incurable resentment, the minds of your enemies—to overrun them with the mercenary sons of rapine and plunder; devoting them and their possessions to the rapacity of hireling cruelty! If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never."—*Chatham's Life*, vol. 3, pp. 158, 166, 167.

Now, I ask you upon the other side of the House whether you are willing to say by your votes that in America, which has been said to be the "land of the free and the home of the brave," you will deprive an American Representative in Congress of that liberty of free speech which is allowed and guaranteed to an Englishman by the monarchical Power of England? Has my friend from Ohio stood in his place and declared that this is a most accursed, wicked, barbarous, cruel, unnatural, unjust, and diabolical war, as did Pitt in the Parliament of England, in the rebellion of the American colonies against our mother country. No, sir, as a freeman, a son of Ohio, and an American citizen, he proclaimed his views in conformity to what he believes to be constitutional liberty, for which the fathers of the Revolution fought a bloody seven years' war.

Will any man pretend that when Pitt stood up in the Parliament of England and uttered such language, that in this country, which was free before this party came into power and despotism ruled, the Representative of a free constituency has not the right to advocate such doctrines as he believes will better secure the blessings of liberty to ourselves and our posterity? We intend to have our liberty, although it may afford us no wider a home than the grave!

I claim that under the Constitution no man can be expelled or censured for the expression of opinions in a free debate like this upon a great national question, which we all may have to meet in the same language in which it has been met by the learned gentleman from Ohio. This doctrine of the honorable gentleman is no new doctrine; we have the precedents of the abolition, miscegenation and amalgamation party in Congress to sustain him upon the right to advocate dissolution or secession, as well by their voting upon the question as by a resolution offered by one of their apostles. I refer to the resolution offered in the House of Representatives on the 11th day of February, 1861, after several of the States had seceded, by Mr. Craige, of North Carolina, and upon his motion referred to the Committee on Foreign Affairs, while the honorable Speaker [Mr. COLFAX] was a member, and in his seat:

"Whereas the States of South Carolina, Florida, Alabama, Georgia, Mississippi, and Louisiana have seceded from the Confederacy of the United States, and have established a government under the name of "the Confederacy of the United States South;" and whereas it is desirable that the most amicable relations should exist between the two Governments, and war should be avoided as the greatest calamity which can befall them—

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and is hereby, required to acknowledge the independence of said government as soon as he is informed officially of its establishment; and that he receive such envoy, ambassador, or commissioner as may or shall be appointed by said government for the purpose of amicably adjusting

the matters in dispute with said government."—*Congressional Globe, Thirty-sixth Congress, second session*, page 854.

I also refer to the resolution offered by Hon. Mr. Conway, of Kansas, on the 27th January, 1863, in the House of Representatives, upon which the honorable Speaker's vote is recorded, and twenty-one months after the war had commenced :

“Resolved by the Senate and House of Representatives, &c., That the Executive be, and he is hereby, requested to issue a general order to all commanders of forces in the several military departments of the United States to discontinue offensive operations against the enemy, and to act for the future entirely on the defensive.

“Resolved, That the Executive be, and he is hereby, further requested to enter into negotiations with the authorities of the Confederate States with reference to a cessation of hostilities, based on the following prepositions: 1. Recognition of the independence of the Confederate States. 2. A uniform system of duties on imports. 3. Free trade between the two States. 4. Free navigation of the Mississippi river. 5. Mutual adoption of the Monroe doctrine.—*Congressional Globe, Thirty-seventh Congress, third session*, Appendix, p. 66.

Why did not the honorable Speaker then move for the expulsion of Mr. Conway? The reason is obvious: Conway was an Abolitionist and a disunionist, while my friend from Ohio is a Democrat. No person offered to expel or censure Mr. Conway or Mr. Craige for offering resolutions to divide and break up the Union. In January, 1811, Josiah Quincy, speaking on the question of the admission of Louisiana, said:

“If this bill passes, it is my deliberate opinion that it is virtually a dissolution of the Union; that it will free the States from their moral obligations, and, as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation, amicably if they can, violently if they must.”

Mr. Poindexter called Mr. Quincy to order, and requested the decision of the Speaker whether it was consistent with the propriety of debate to use such language. The Speaker (Mr. Varum) decided that the first clause of the sentence was admissible, but the latter contrary to the order of debate. Mr. Quincy appealed from this decision, and it was reversed by the House.

The lamented Stephen A. Douglas declared in one of his speeches in the Senate that war was disunion, eternal and final separation, and I believe that, as carried on by the party in power, it is disunion, eternal and final separation, but that it would and still will restore the Union if carried on in pursuance of the Crittenden resolution which passed both Houses of Congress and was signed by the President. Gentlemen, the time may come when you on that side of the House may be in the minority. Remember that:

“Time at last sets all things even;
And if we do but watch the hour,
There never yet was human power
That could evade, if unforgiven,
The patient search and vigil long
Of him who treasures up a wrong.”

I hope to see the Democratic party again in power, and if they should attempt to stifle free speech they would receive my most just indignation. I would discountenance them, and be almost induced to leave the embrace of such a party and seek embrace with some other.

Those who destroy free speech and a free press are unworthy of the name of freemen. Those who would thus destroy the safeguards of liberty—whether they be Democrats, Republicans, or Abolitionists—are not only unworthy of the name of freemen, but are despots, sycophants, and tyrants. I do not justify the Democrats who censured Joshua R. Giddings. The Speaker of this House, who administers its rules so impartially, certainly ought not to come here now and say this precedent should be followed. He should not follow a precedent set by a party which he condemns, which is denounced on that side as disloyal, traitorous, and rebellious; copperheads. We ought to stand by the great principles of liberty that have been handed down to us from generation to generation. We Democrats are freemen, and supporters of the right of freedom of speech and freedom of the press.

The gentlemen upon this side of the House love their country and its institutions, and would, if necessary, lay down their lives upon the altar of patriotism, and I ask the majority on the other side in the name of our ancestors, our country, our lives, our property, our history, and our families, whether they are going to do an act by which the Thirty-Eighth Congress will be made everlasting infamy, and that is to deny a great body of the people being heard through their Representative upon this floor? The gentleman from Ohio came here and expressed the thoughts of his own soul; his profound and conscientious convictions on a public question. I give him credit for independence and manliness, and while I do not defend the doctrines he has uttered, I defend him in the exercise of the great right of free speech.

The Abolition party have established some precedents during this war which are dangerous. The honorable Speaker quoted the case of Hon. C. L. Vallandigham as a precedent for this attempted exercise of despotic power. I do not agree with his doctrines, yet I say his arrest and exile are unworthy of the descendants of revolutionary sires. He was arrested by men who went to his house in the dead hour of night, when he was there with his wife and children who were looking up to him for protection. I say the General and parties who caused this arrest, without warrant of law, and exiled him for the expression of his sentiments, struck a deadly blow at the rights of the free people of America. I do not envy them their glory. These suppliant tools of despotism are worse than midnight assassins. The domicile of no citizen is free from their polluting presence. God bless the poor down-trodden exile, his wife and children in

their days of mourning over the downfall of American liberty! These fanatics, despots, and tyrants, like Burnside and the sycophants who follow in his trail, will go down to their graves loaded with the just indignation of their countrymen.

Precedents like these are dangerous things. They will hereafter be cited for authority. Remember the language of the immortal Daniel Webster upon the very rights for which I now contend. He said :

"When this and the other House shall lose the freedom of speech and debate; when they shall surrender the right of publicly and freely canvassing all important measures of the Executive; when they shall not be allowed to maintain their own authority and their own privileges by vote, declaration, or resolution, they will then be no longer free representatives of a free people, but slaves themselves, and fit instruments to make slaves of others."

Gentlemen, if you expel this man I say that this is then no longer a country of republican liberty, but a monarchy, a despotism, and a tyranny, worse than that of France or Russia. No king of England would have dared to exercise such a power as this. Sir, I do not want it said that there were a majority of the Representatives of the people in this House who would expel a man for daring to say, in his place here, that rather than have a war of extermination and subjugation he would go for a dissolution of the Union. Sir, I would go for a dissolution of the Union in preference to a war of extermination. "If that be treason, make the most of it." It would be an uncivilized warfare, and would call down upon us the condemnation of the whole Christian and civilized world. What is a war of extermination? It is one that extinguishes all the men, women, and children of the South. I have looked in the dictionary to see what the term means. It means to extinguish, to destroy, to blot out, to put away forever. In the name of God, has it come to this, that a man is to be expelled for daring to stand up here in the American Congress and exercise the great constitutional right of free speech? His opinions are not the opinions of a majority of those whom I represent, but I have no hesitancy in saying that there are men in the Democratic party who believe with the late Mr. Douglas, that war is eternal and final separation. I have myself, for the course I have pursued upon this floor in standing up for the country and voting you supplies, been denounced by some of my own party. This shows that there are some men in the Democratic party who are honestly of opinion that the war had better be stopped now than that it should be continued another day as you are prosecuting it, hoping that a reconstruction of the Union will follow when reason is no longer controlled by passion, and humanity has its sway.

I am for the Union with slavery as it is; but if I cannot have it entirely as it was, give it to me without slavery. The Union is the uppermost idea in my mind.

I do not honestly believe that the gentlemen on the other side, when they see what their own papers say about this case on trial, when reason resumes its sway, and when prejudice and passion subside, will be willing to record their votes in favor of expelling the gentleman from Ohio, or of infringing upon the right of free speech by branding the utterer of that speech as an unworthy member of this House. The gentleman from Ohio was born as you were born. He is blood of your blood and flesh of your flesh. He is not a slave. He is a free American citizen. He comes here in the habiliments of his rights. He comes here in the vigor of his intelligence. He comes as the Representative of Ohio, the home of the exile and patriot who now looks upon our shores from a foreign land, upon this dying nation. All that he asks of you is that you shall extend to him the same rights that you claim for yourselves.

Suppose the day comes when all will see that there is no possible salvation for the country by war, will you not stand up and declare that the power of the enemy has been too much for our Government, and that, rather than have the rebels exterminate us, we had better settle with them on some terms? I would rather divide the great rivers, the principles of the Constitution, and American liberty, and have one spot on this continent for the resting-place of human liberty than have a Union where a man is not permitted in the Congress of the United States to express his sentiments on so grave and important a subject as this.

Do you not recollect that a few years ago abolitionism and disunion were preached from the pulpit and the stump? And although these preachers were not the disciples of heaven but of hell, they were permitted to go around the country and sow the seeds of disunion; and no law of the United States except the law of the old tyrant John Adams has ever attempted to intrench upon the right of free speech. Remember that Jesus Christ, in that divine sermon on the mount, declared, "Blessed are the peacemakers, for they shall be called the children of God." You all know my views upon this war, that I have been willing and have voted for men and money to crush the rebellion. I am here for that purpose, and as there is a God in heaven, I declare here that my heart beats in rapture at the glorious achievement of our soldiers, who, I hope, will live to see this proud fabric of human liberty standing firm and unmoved, and that when they die it may be inscribed upon their tombstones that they died for the liberty of their country.

I shall now proceed to answer some of the cowardly charges and slanders used in this debate by the other side of the House upon General McClellan, Governor Parker, Governor Seymour, the State of New Jersey, and the whole Democratic party, and I shall not spare the assassins of our loyalty, characters, and party. I would not be fit to represent the

gallant State of New Jersey did I not denounce her base calumniators.

I give the gentleman from Maryland [Mr. DAVIS] credit for his learning and his ability as a debater. But he has not made a speech during the last four weeks in which he has not attacked the State of New Jersey, that little State which at the last election rolled back the tide of despotism and tyranny, that little State whose gallant sons have been so freely laying down their lives upon the altar of their country, that gallant State whose citizens are for the Union, "one and inseparable, now and forever." I ask you, sir, how can you charge a man like Governor Parker with being disloyal, who has stood by the Government and shown the purest and noblest patriotism, and always stood by the old landmarks of the Constitution, and by his extraordinary exertions sustained the Government in every way in his power.

General McClellan is the noblest-hearted patriot that lives. He twice saved this kingdom and throne of yours from the grasp of the rebels. He is the most abused man on earth. He is the great expounder of Christian warfare: he is governed by humanity and Christianity. He was relieved from command because he would not countenance despotism, abolition, and tyranny, and for fear that his saving the nation might make him President to exercise the authority of a servant of the people instead of the authority of a king, monarch, czar, or sultan, as is now exercised by the present incumbent. His whole soul is bound up in the Union and the liberties of his country. He loves the soldiers, and his whole ambition is to share with them the trials and dangers of battle; but his honor, integrity, Christian character, love of country, and friendship for the old Union are repugnant to every sense of despotism.

Reputation for loyalty is a tender thing, and ought no more to be violated than property or life, and they who attack and blacken it are as vile offenders as they who rob and steal, and there is a just God who knows the patriotism of our human hearts, who will visit upon the violators of our loyalty the iniquities which they justly deserve. I invite them to stop such bickerings and sacrifice them upon the altar of true patriotism. A new language must be invented before I can attempt to express the baseness of such conduct; and although the full vials of despotism have been poured upon many of our heads, and bastiles, banishment, and ostracism have been many patriots' doom, yet I challenge the plodding Israelite, the idiotic African, the down-trodden Chinese, or imbecile Turk, to equal us in tame submission to the powers that be. I cannot be disloyal to my country, because it is that country which has allowed me to rise from the roof of humble parentage and poverty to the higher grades of life, and to hold this position which I could hold in none but a free country. To that cradle and land of my birth, among the

mineral hills of old Sussex, in the noble State of New Jersey, where the roaring of cannon, the groans of the dying, and the rattle of musketry have been heard as an echo of the bravery and valor of her sons and fathers who have borne arms in the contest now raging for the defense of liberty, law, and order. I add to the glory that they have achieved the aspirations of my heart warm with the love of my country, and my invocations to Heaven for its indissoluble union shall be fervent and unremitting while I continue to breathe and my heart to beat; and when I die my prayer shall be for its eternal duration, prosperity, and freedom. I stand by the gallant officers and soldiers in the field. I have used my utmost energies to induce you upon the other side of the House to increase the pay of the poor soldier, but alas! although I offered a bill in this House at the commencement of this session to increase the pay of soldiers and non-commissioned officers, giving to privates of the second class thirty dollars a month, and others of higher grades pay in proportion, no more than they can get at home for ordinary labor, and although four long months have elapsed, and the soldiers have been compelled to take thirteen dollars a month, payable in shinpasters worth sixty-five cents on the dollar, you have not had the manhood to even report the bill or any other increasing their pay. You are no friends of the soldiers. You are the friends of the public plunderer, shoddy contractor, and fat office-holder. If an Army officer's wife is dying and he is compelled to go home to bury her, you deduct from his pay one half of his wages. How ridiculous it is for such men to talk about being the friends of the soldiers! You are the friends of the black blood of the African race, while we are the friends of white soldiers and officers, white men and white women.

One of the honorable gentlemen upon the other side of the House said in his speech upon this question that the figure of dying Tecumseh was in the halls of this building, representing the death of the Democratic party. The thought comes upon me that that figure of dying Tecumseh is within this magnificent structure, which was once the august and beautiful temple, whose dome of liberty seemed to pierce the very clouds, within whose marble walls the blessings of law, liberty, and order, such as were never before guaranteed by God to man, were by our fathers promulgated and sustained, where they once bowed with devout and grateful hearts, and consecrated and dedicated themselves to the protection and maintenance of those immortal principles of the Constitution upon which the banners of our civil liberty were once upheld and sustained, which was then dedicated to patriotism and truth.

If the gentleman will look there he will see the statue of General George Washington, the Father of his Country, appearing in all the

majesty of his national greatness, hovering over the scene of disunion, fanaticism, amalgamationism, and abolitionism, which is now being enacted around his colossal figure, uttering from the tomb his farewell address to the people of this land, in which he, in his lifetime, foreshadowed the radicalism and disunion of this hour. I invoke Washington's noble spirit to rise from the grave and haunt the party in power with the noble sacrifices which first cemented the old Union, and command his children, North and South, to quell the spirit of passion and revenge, and by the compromises by which he founded the old Union, restore and construct its foundations upon a base that the combined powers of earth and hell can never shake, and stop this civil war whose infuriated and flaming visage is now appalling the nations of the earth. There are the portraits of Jackson, Clay, and Webster, whose spirits are now bright constellations in the sky. When they lived, and reason, humanity, and Christianity ruled, this nation was united in principle, purpose, and movement like ancient Greece and Rome in the best period of the history of the world; and under their rule the nation won the highest confidence and gratitude of the toiling millions. They bore aloft on its banner the sacred words, "Free speech, free press, and equality of the States." The Constitution was their shield and their sword, and liberty was their watchword. No citizen was then subject to be driven into exile for opinion's sake, or arbitrarily arrested and incarcerated in military bastiles. No brothers and fathers of American and adopted citizens then wasted their lives and fortunes in bloody, civil strife, upon amnesty conditions which would place the black Ethiopian upon a level and equality with the Anglo-Saxon. No doctrines of abolitionism and amalgamationism then caused a civil war to sweep like the raging tempest of death and hell over divided families, ruined fortunes, blood-stained fields, stricken homesteads, widowed women, orphan children, homeless mothers, decrepit fathers, weeping and mourning sisters, feeble and unprotected mothers, lonely graves of noble soldiers, where no board or tombstone marked the spot, pale and emaciated young brides, wan and woe-stricken children, and a dismembered, bleeding, violated, and shattered Constitution. I charge that the accursed one-idea doctrine of abolition at the North lighted up the fires of revolution at the South, and caused to be enacted in this land every horror, wrong, and outrage I have just portrayed.

Although those doctrines have made humanity wail, all nature mourn, and angels weep, yet I am not willing to consent to any arrangement except that by which this great Union, which is so dear to us and posterity, and upon the restoration of which hangs the downfall of the monarchies of the Old World, and the peace, comfort, liberty, and happiness of ourselves and children depend, shall be restored and maintained. The great contest

which is soon to be fought at the ballot-box is a contest between disunion, radicalism, despotism, tyranny, perjury, abolitionism, amalgamationism, and usurpation, on the one side, and conservatism, liberty, truth, Union, the Constitution and law on the other; and the result of that contest upon the side of the latter will be more important to the people of this country and the nations of the earth than was the controversy between Persia and Greece decided by the battles of Marathon, Platæa, and Salamis, which gave ascendancy to the genius of Europe over that of Asia.

Before proceeding further, let me make one appeal to the conservative Republicans of the land. I implore you to look back to the promises that were made to induce you to vote for the Administration in power, and the gross and outragous violation of every such promise and pledge. Your action all depends. You are charged with responsibilities by a patriotic and confiding Democracy. You, in this dreadful crisis in the history of the nation, in an evil hour, hold in your hands the destinies and liberties of this noble nation and this great country. You are governed by honorable considerations, and desire the harmony and unity of this once happy people. I implore you in the name of our God, our families, our children, our liberties, our happiness, our homes, our property, our country, and our lives to help us save this nation at the ballot-box. I invoke Almighty God to give you wisdom to save this people from all impending thralldom. I would gladly join you in any organization that would save our bleeding country, but you have none; abolitionism and amalgamationism have swallowed it up. I know of none but that of the Democratic party. There is no other political organization known in heaven, and there is none on earth, by which the precious benefits of the organic law and liberties guaranteed to us by our fathers can be restored and maintained.

Let me also say that those men in the South who reared the gigantic head of secession upon the walls of Fort Sumter and attempted to haul down and trail in the dust that proud banner, whose glory was destined to wave over the monarchies of the world, violated every obligation dear to man, and deserve the condemnation of every patriot, and especially of the Democratic masses, whom they, by leaving the Halls of Congress, so egregiously and outrageously wronged and brought upon them all the banishments, misery, and woe which they have since endured, for standing by the landmarks of the organic law of the land. The Constitution gave them no right to secede; they violated their solemn oaths of office when they withdrew from the councils of the nation, and by force and fraud they carried with them the loyal masses of the South, upon a charge of oppression, which could have been easily removed had they staid in the Union. I believe the Constitution gives the power to this Government to coerce them

back. I am for using the strong arm of the Constitution to compel them to return, with the sword in one hand and the offer to them of every honorable compromise and conciliation by the other, without degrading or unconstitutional conditions, as the stake is so great that no true lover of his country ought to throw one single impediment in the way of a reconstruction. But alas! for my country, it is sinking under the radical policy of the party in power, who are strangling it to death, and driving all hopes of reunion from the true patriot's breast.

I am in favor of filling up our armies and using every measure of wise policy and conciliatory statesmanship to bring this sanguinary strife to a successful close before national and financial ruin shall overtake us; and I now solemnly charge that from the day the President's amnesty edict of despotism was announced, the war was no longer directed against armed rebellion, but against people, property, and local institutions, for the purpose of stripping States of all political rights; but I prefer to submit to this despotism and furnish men and money, upon the hope that at the election this fall the Republic will be baptized by the never-failing waters of liberty, and some one will be elected President that will listen to the warning voice of reason and set at defiance all usurpations of power. If we do not go back to the solemn pledges made in the commencement, national ruin must be our fate, and we will have a consolidated despotism or monarchy, built upon the ruins of our Republic. Let us use our armies to uphold the Constitution, restore the Union, break down armed rebellion, temper force with mercy, compromise, and conciliation, until we bring back the seceded States. Our whole failure is chargeable to a lack of statesmanship, and not to the want of the bravery and patriotism of our army, for their valor and bravery have already astonished the civilized world. Let us stand by our noble defenders in the field, by showing them that their blood shall not be spilled except in defense of our organic law; that their victories are to bring peace, and that the dignity and magnanimity of the nation shall be identified with their patience, fortitude, and bravery, and the generous and humane policy of Christian warfare interposed for the purpose of restoring a lasting reunion of intercourse and fraternal regard; and that the patriotic memories of this second revolution shall cluster around the annals of better days. Let the act of treason that would destroy the rights of free speech and deface the proud fabric of human liberty be left to the unworthy descendants of our revolutionary sires, who first fired upon their glorious flag. Let us go back to the solemn declaration of both Houses of Congress and the President of the United States: "that this war is not waged in any spirit of oppression or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or establish-

ed institutions in those States; but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease."

Under the garb of Commander-in-Chief, imperial functions are to be performed as arrogantly as ever was performed by Caesar toward the barbarian Gauls. On the 11th of January last the machinery of despotism was set in motion by a proclamation from Major General Banks, assuming sovereignty over the State of Louisiana, and giving orders for the erection of a new government for the State, to be molded according to the President's will, not only recreating the State, but canceling the constitution and laws that existed previous to the rebellion. He says:

"So much of the said constitution and laws of Louisiana as recognize, regulate, or relate to slavery are hereby declared to be inoperative and void."

This is the despotic mandate of a Federal officer not a citizen of the State nor entitled to a vote. And by another edict he declares, that all who will not take the President's amnesty oath and vote shall be banished, and their property confiscated, although the constitution of Louisiana forbids the imposition of a test oath by Federal authority. To see the nation thus die is so revolting to the spirit of republicanism that patriotism shrinks from it in despair.

The party that are libeling and assailing every Democrat and trying to destroy our liberties are men who openly proclaim that the Constitution is a covenant with death and a league with hell; that the Union as it was is man-stealing; that the insurgent States shall not return unless they set the dear negro free and comply with conditions and degradations at which human nature shudders; men who crawl and cringe around the footstool of despotic power, and falsely putting on Union principles as a disguise, have procured for themselves offices of official emoluments and national trust, and cheated and defrauded honest conservative Republicans while they have been engaged in their usual avocations to earn their daily bread; who, in common with the radical secessionists of the South, have been the means of overthrowing this great and glorious Union; men whom the people will yet consign to oblivion for prostrating the Constitution, breaking down the Union, and destroying the rights and liberties of the people of America; men who have used the fratricidal arm of military despotism, usurpation, and tyranny to strike down the liberties of the people and trample upon a bleeding and desecrated Constitution, and by their acts driven from the land where the bones of Washington and Jefferson repose all emotions of love, gratitude, and admiration for the old Union; men who have cried traitor and copperhead into the ears of every man who has invoked the

aid of a just God in our efforts of compromise to restore national unity and peace; and have by their conduct imitated the bloody treason of John Brown, who proclaimed from the fatal battlements of Virginia the doctrine of the party in power, whose first lust for blood was satiated at Harper's Ferry's first bloody scene; men who have allowed their cowardly and heartless satellites to fatten upon the wealth coined from the blood and misery of the land, and afterwards walk boldly and fearlessly among the people they have robbed and wronged; who by their legislation are inflicting upon the people of the border States, who have suffered most in this contest and shown the noblest and purest patriotism under the terrible trials through which they have passed, further and deadlier evils at the hands of this Government which they are struggling to uphold; men who have closed their eyes to frauds which have nearly, in some instances, destroyed our armies, and for some minor offence against military law permitted a poor son or father to be sentenced to death; men who have allowed and caused loyal citizens, some of whom were at the death-bed of a dear friend and the grave of a dead wife, to be seized without authority of law and dragged to distant prisons, bastiles, and dungeons, and there incarcerated without trial or redress, and without granting them that which two thousand years ago was the birthright of every Roman citizen, the right to know the offense with which he was charged; men who have dared to proclaim in defiance of the Constitution an insult to the majesty of the law, and have caused great political trade sales to be opened, and intrigue and corruption to put on their repulsive and despotic robes, in which they have caused to be sold the offices of the Army and nation, like the board of a public auction, to the highest bidder; men whose aliment is radicalism and passion, and by their conduct, with their allies in the South, arrayed State against State, man against man, father against son, brother against brother, destroyed all feelings of kindness and charity between the people of these United States, and from such contaminating approaches caused the proud spirit of liberty to flee, and war to silence the voice of disputants while men are wrestling on fields of blood; men who have boldly proclaimed through the bloody edict of their President, in violation of the organic law, that men are not capable of self government, and that nine-tenths of the people shall be disfranchised and represented by such men as the panders and parasites to despotic rule, to the number of one-tenth, shall by their votes determine; who have deprived the people from worshiping Almighty God according to the dictates of their own conscience, and turned congregations out in the streets for refusing to pray for Abraham's royal highness; deprived the people of the precious right of suffrage by armed interference at the ballot-box,

and kidnapped and stolen the slaves of loyal masters; men who have countenanced and incited armed soldiers to burn and destroy the presses and property of loyal citizens because they were Democrats; men who have suspended the writ of *habeas corpus* throughout the whole United States, and set the courts of the country at defiance, that great writ of public and private liberty which the monarchy of England has not suspended in two hundred years; men who in their mad efforts to achieve power and revolutionize the noble institutions bequeathed to us by our fathers have drenched the land in fraternal blood, shaken the temples of American freedom to their foundations, denounced the sacred and fundamental covenants of the Constitution, broken in letter and spirit its plainest precepts and vital principles, and proclaimed undying hostility to the Union as it came from its framers; men who, by the mock trial of drum head court-martial, have consigned to dungeons and banishments the noblest citizens and purest patriots of the land; men who have procured to be passed an odious conscription law, which places the life of every able-bodied citizen of the land in the hands of a one-man kingly power, in derogation of the rights of the States; men who have mortgaged the property and resources of the whole people to a system of unbounded paper currency and a reckless and unbridled extravagance; men who have violated State rights in the partition of the Old Dominion; men who have overthrown by proclamations the whole domestic institutions and social organism of the States, and have openly changed the whole objects of the war; men who have draped the land in mourning, hurried hundreds of thousands to premature graves, and have brought us to the verge of financial and national ruin; men who have established a host of spies, common informers, and secret police, who are prowling about the land seeking whom they may devour; men who have sent amongst the people great swarms of office-holders in imitation of King George, of England, towards the American colonies, to eat out the substance of the people; men who, in both Houses of Congress, to a man, voted down the celebrated Crittenden compromise, which, if passed, would have saved the Union and relieved us from this dreadful war; who at the commencement of this session boldly ignored the divinity of Jesus Christ, in the election of a Chaplain, by a strict party vote; who have attempted to make the Treasury a mock-auction and Peter Funk shop for the purpose of buying and selling gold, with a sign over the door that uncurrent funds are bought and sold here; who have established a great national bank scheme, depriving the States of the power of taxing millions of capital invested therein; who have caused the jewels, the flowers, the diamonds, and the laces of the daughters of the public plunderers to turn the night of death to the poor into the gay and festive scene, while the patient, sad-eyed

daughters of labor and suffering have hunger in their eyes, their hands worn hard with ceaseless labor, their cheeks wan with care, disappointment, and despair, in their fierce, relentless, unremitting efforts to grasp with their thin frail fingers their scanty bread, asking only to be suffered to keep body and soul together, and save enough to keep an aged mother, a helpless father, an orphan household of brothers and sisters from the wolf of hunger that prowls about the door; men who have used the people's money to buy the freedom of the slaves to make them equal with the poor white.

The spirit of the people is too great to weep, and their grief too mighty to be uttered, although iniquity has been exalted, the Constitution trodden under foot, the laws perverted, and the righteous and true depressed and banished. This attempted expulsion and gagging free speech are great tablatures of the horrors of tyranny, of the scandal and infamy of servitude and debasement.

In proof of how far human malice or ambition is an overmatch for human wisdom, laws and constitutions framed by the best and wisest men have become the sport and conquest of the worst tyrants. Could wise laws have insured the stability of a Government, that of Rome could have been immortal, before adopting all the best institutions of the free states of Greece, her principal struggle and employment for some centuries was the securing of domestic liberty by wholesome laws, and for laws and arms she was the wonder and glory of the earth; but she, whose force and policy no power could withstand, not even that of Greece or Carthage, fell by the corruption, perfidiousness, and violence of her own representatives. The only sword that could hurt her was her own; with that she trusted Cæsar, and with that he turned upon and enslaved her. Power of itself makes men wanton and cruel.

The most of the Roman emperors began their reigns well, as Nero, Claudius, and Caligula. Cæsar was generous and humane to affection, but every passion and every sentiment will yield to the ardent lust of power, and had it not been for his great and acceptable qualities he could not have introduced public bondage. The hero and the orator hid the usurper, and palliated at least the usurpation. The acquiring and exercising of power unconstitutionally is tyranny, and if such usurpation is to be countenanced then there is an utter end of all right and wrong, public and private, and every usurper will be a king or emperor, and every magistrate will be a lawless tyrant. I charge that the destruction of free speech and press is a violation of every tie that can bind the human soul, of oaths, trust, and law of everything dear to human kind; of peace, liberty, rights, and possessions; but the very scound of the abolition of slavery, the superstitious reverence paid to that doctrine, its employments, its victories over the rights of the white race and its great usur-

pations are all pompous images that dazzle the eyes and give a false lustre to the blackest iniquity, tyranny, and despotism. But the severest oppressor can never tie the hands of all the oppressed, nor place chains upon their resentments. The bulwarks of liberty have been daily broken down and the people lulled to sleep, until the best acts of radicalism have been but the sunshine of tyranny. Cruelty inspired by hunger is assuaged, but power created by usurpation is never satiated and knows no bounds. Government is a sacred thing and justly claims all reverence and duty, but in the idea of government is implied that of public protection and security; but when what was government ceases, and those who control it become oppressors, and the power is swayed by evil doers to the destruction of those who do not agree with their policy; when law, liberty, and order are banished, property violently seized without constitutional law, and lives wantonly destroyed to enforce the doctrines of abolitionism, and iniquity and radicalism prevail, it is no longer a government of law, but one of despotism and tyranny, enforced by the kingly idea of a one-man power. The French historians observe that the worst and weakest of their kings were fondest of dominion and power, and their best and wisest contented with stinted power and the rules of law. Lewis XI trampled upon the laws of his kingdom and oppressed his people, but he died in great misery and terror, and his life, death, and memory were equally detestable; while Henry IV, who was born with a soul great and generous, never violated nor distrusted the laws.

I fear that before the people of the South will be subjugated and exterminated, our conduct will invoke the interference of the civilized world, or cause them to cede the States to some European Power. The governor of Louisiana, in his inaugural address of the 25th of January last, says that before they will submit to such terms they will in convention assembled, without a dissenting voice, cede the State to any European Power. Where controlling power is arbitrary, the oppressed people are apt to think that no change can make their condition worse, and will often risk civil war to be revenged on the Power. Such was the temper of the Romans upon the revolt of Sacrovier, who rejoiced in it, and in hatred to Tiberius preferred success to a public enemy. No country governed by mere will was ever governed well, because passion governs the will, and the measure of right and wrong and power without the control of law are not safe to be trusted to any man. This power claimed by the party in power is too mighty for the soul of man, and fit for none but God, who cannot act unwisely or passionately. To govern by mere will is to govern by violence, and invites the people to the same course as did King James, who, paying no attention to law, nor the rights of the people, put himself in a posturo of war

against his subjects, so that when they had recourse to arms they used them for their own defence. Therefore the least attempt upon public liberty is alarming; it will be repeated often; a few repetitions create a habit, and habit will claim prescription and right, as the nature of man is such when public affairs are once disconcerted, it is almost impossible to restore them to their first firmness, because numbers become engaged in the corruption and will use all their arts and power to support it, and as it grows general and extensive the public will sometimes espouse and defend it, of which we have had an example, and the torrent will become as strong as to bear down authority itself. History is full of instances where great and good men have fallen, and drawn down upon themselves a tragical doom, while striving to restore the State.

Charles V held it to be a greater honor to be Count of Catalonia than King of the Romans, because the Catalans were free men and the Romans monk-ridden, slaves of despotism and tyranny. Had such as were champions for the exaltation of Cæsar and Augustus foreseen what their race and descendants were to suffer under the successors of those usurpers, stooping and groaning under despotic bondage, they would have quenched their zeal and been struck with horror. The laws of war are claimed to vindicate the subversion of the civil law, and the holy gospel of peace and love is urged in defence of persecution and tyranny until we are compelled to observe the strange inversion of order and liberty, dignity debased, infamy exalted, the functions of the Government prostituted, the glorious name of America defiled, the ornaments of liberty trampled under foot, and the administrators of justice corrupted. Rather than support such violations of our organic law, I will invoke the charitable judgment of the civilized world and let posterity pronounce the calm verdict of a not far distant future upon my integrity in dissenting from the blind injustice of partisan rage, and that posterity will judge those who now have their Praetorian guards, and pervert the laws, and through the vile breath of informers make charges of treason against the Democracy of the North and border States, as sanguinary tyrants and oppressors of liberty and humanity.

[Here the hammer fell.]

Mr. ROGERS. I ask further time.

There was no objection.

Mr. ROGERS. We were told by General Burnside, in his answer to the *habeas corpus* case of Hon. C. L. Vallandigham, that the Army could not be induced to assist in the overthrow of the Government and laws. That they are noble and true I well know, but history informs us that Cromwell's conquest of his country was made by troops the most sober and best disciplined that the world had then seen, and that with the best of all the Roman armies Cæsar established himself tyrant upon the throne.

The honor and oaths of men cannot be trusted where it is in their power to control millions of people. Henry III signed, sealed, and solemnly swore to observe the great charter with many terrible execrations upon himself if he broke it. Yet he violated his oath and bid open defiance to all oaths, all charters and laws, had recourse to avowed oppression, but gained nothing in the end but the just recompense of such enormous measures, shame, scorn; and beggary. It shows that power is a brutal and hideous thing when not tempered by reason and law. It is enough to mortify and grieve any candid man or woman who wishes well to humanity to see this great nation die, its liberties overthrown, human nature so pitifully debased, and human understanding so fanatical. I give warning to those who have violated their solemn obligations and destroyed our liberties and laws that we intend to be freemen in spite of their wicked attempts to enslave us.

We are told by the gentleman from Kentucky [Mr. SMITH] that the South shall be exterminated and peopled with better people, and their land sold to pay the expenses of the war; but I inform those who advocate that doctrine that the Romans found more opposition from the little free State of the Samnites than from all the absolute princes in the world. Such is the mighty difference between freemen and slaves, and between men who act for themselves and men who breathe and act at the mere mercy of another. The Lacedæmonians and Romans for many ages, on account of their inviolable attachment and support of their constitutions, were so remarkable, enlightened, prosperous and happy; and it was through the violation of the organic law and the decay of national integrity that Athens was near being destroyed in the Peloponnesian war. This resolution of expulsion and programme of this party are made up of causes similar to those that occasioned those long and desperate civil wars which almost destroyed the great and powerful kingdom of France. It is private ambition carried on under public pretenses. The preservation of the Union is the outward appearance and pretension, but the selfish attachments of Abolition fanatics to the higher law is the secret spring that produces their pernicious edicts and despotic acts which are weakening and impoverishing the nation and debauching the nobler principles of the human mind, and thus sacrificing the interests and the very being of the nation to the low, narrow, and ambitious designs of furious factions, and if sanctioned by the people at our coming election must sap the vitals of our political existence and crumble this glorious fabric in the dust. Is it conceivable that such gross violations of the organic law, apparent to the common understanding of all mankind, shall be suffered to be enforced unquestioned and receive that honor and confidence which their authors in the zenith of their good fame had placed upon them by the esteem of their

countrymen? Will the assembled people of the land receive with calmness and indifference the fiats of usurpation until the mighty strides of despotism shall overwhelm them, and see the lives and fortunes of millions, and the safety of present and future ages jeopardized, or will they go to the ballot-box and redeem their country from all impending tyranny?

If this usurpation of the Constitution be not stopped it will lead to the debauchment of our Army, the plunder and devastation of our lands, homes and firesides, the irredeemable dissolution of our Union, and, I fear, an in-terminable civil war among the people of the North. Let us redeem the country at the ballot-box, and vote from power those who are forging chains to fasten us to the car of the Abolition Juggernaut, and by ballots repel that despotism which would wrest the inestimable gem of liberty from us. Let us no longer give ear to the siren voice of pseudo-philanthropy. It is a cursed delusion, adopted by fanatics and recommended by sycophants.

The Athenians ruined their State by a mad and expensive war upon Sicily, having such an ambition of conquering her that they refused all offers of compromise, the result of which was that they exposed themselves to the attacks of the Lacedæmonians, to the revolt of their own subjects, to domestic disorders, and the change of their Government, and were at last conquered entirely by Lysander, the States subject to them set at liberty, and themselves subjected to the dominion of thirty tyrants, so that they never after recovered their former glory. The Lacedæmonians afterwards fell in the same folly and met the same kind of a fate. By lording over Greece they drew upon themselves a combination of Greek cities, which together, especially the Thebans under the famous Epaminondas, despoiled them of their authority soon after their triumph over Athens. The Muscovite, by falling upon the King of Sweden, roused a tempest that came near overturning his throne, and by refusing the most honorable terms of peace, and urging his revenge, taught his enemies that bravery and discipline which nothing could teach them before, and he had his own brave army routed by forces he despised; he was driven from his dominions a fugitive in a country of infidels, and his provinces were cantoned out among his enemies, who before had offered to compound with him for a moiety of their own dominions.

It only proves how foolish is the reasoning of passion, and that it leads men to throw away strength to gain weakness. If this Union can be restored by an honorable compromise it will be no ordinary triumph, and those who have been the means of bringing it about will be proud to claim the glory. The flashing eye of liberty will then glance from the upturned face of despotism and disunion to the scenes of those heroic achievements

which the spirits of our revolutionary sires, at the commencement of this contest invoked us to emulate, and instead of beholding the equality and mixture of the white and black race in one common blood, will look beyond the gulf of Abolition and the plains of amalgamation to the towering columns of the Constitution, whose base broke the waves of radicalism, and saved the nation in its dying agonies. We must not forget that the land of Attica, whose sword shook and whose civilization conquered the world, had the superficial area of about one-third the agricultural productiveness of a moderate-sized county in the State of New Jersey; and I warn the Abolitionists of this land that, though they may be the greatest conquerors that ever trod the earth, they can never amalgamate the white and black races; and if abolitionism and amalgamation are to be conditions to a restoration of the Union, (which both clearly are to the Abolitionists, and the one is expressly made so by the amnesty proclamation,) the Union will never be restored, and those who are now such conditional Union men will meet the same disapprobation of the civilized world that Napoleon did for his wanton rage upon the rights of God and man; and although he was the Gallic Caesar who led his armies over shattered kingdoms, whose armed power shook the world, decimated Europe, and caused millions of mankind to perish, until there was scarcely a habitation from the polar seas to the Mediterranean, where the voice of lamentation was not heard over slaughtered kindred to swell the conqueror's strength and glory, yet France fell back to her ancient limits, and Napoleon died a repining captive upon a rock of the ocean; and while Napoleon was refusing all overtures of peace and charity, one of the fathers of Democracy on this side of the ocean was seeking to aggrandize his country by conciliation, compromise, and peace. He used no armies, shed not a drop of human blood, caused not a tear of human woe, and without imposing a single act of despotism upon his people, and with the hounds of consolidationism and war lapping at the life-blood of the nation, and advocating precisely the same doctrines that are now advocated by the party in power, he acquired by compromise permanently for his country more fertile domains than the sway of Napoleon ever owned, or the glory of his plume ever floated over. The advocates of compromise and peace were then met by a party who used the same arguments that are now used, that it was dishonorable to offer terms of peace to a determined foe, and that the dignity of the nation required war, who leaped from one inconsistency to another; acrid, pharisaical, and controlled by a selfish partisanship, they resisted the settlement, acquisition, and compromise desperately to the last. Those who have and do advocate an honorable compromise will not have their souls steeped in the blood of those who have and will yet be slain for want of it, and the spirits of the gal-

lant officers and soldiers who have been sent to an untimely grave have borne to the bar of Divine justice no accusations against them. I shall not hesitate to advocate an honorable compromise, based solely upon a restoration of the Union, nor hesitate or swerve from the great purposes and true interests of the country, notwithstanding the yelpings, howlings, and saarlings of the hungry pack who are living upon the blood and misery of the land, and hunting down every man who dares develop their purposes, because, when I reflect upon the awful and solemn events which surround us, I can but weep for the unity and liberties of my country, and I, in these once sacred Halls of Congress, raise my humble voice and call upon every man, woman, and child in this land and entreat them to ad-

vocate some reasonable compromise before our country's doom shall be forever sealed. My soul sickens at the radicalism and fanaticism of the age, unnecessarily squandering away our resources, wasting our public treasure, and spilling the people's blood. An honorable compromise will snatch from the rude hand of usurpation the violated Constitution of our country; it will preserve that instrument in form, substance, and spirit, a precious inheritance for generations to come; and as the furnaces of Egypt lighted Israel to the land of Canaan, and Moses by Divine command led the children of Israel out of the house of bondage through the Red sea into the land of liberty, so will the spirit of conciliation and compromise lead us to the enjoyment of liberty and a united Union.

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